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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

YOKOI et al

Atty. Ref.: 249-118

Serial No. 09/680,514

TC/A.U.: 1647

Filed: October 6, 2000

Examiner: Spector

For: HG-CSF FUSION POLYPEPTIDE HAVING C-MPL  
ACTIVITY, DNA CODING FOR SAME AND METHODS OF  
TREATING ANEMIA USING SAME

\* \* \* \* \*

December 13, 2004

**OFFICE OF PATENT PUBLICATIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST**

The Patent Office is again requested to confirm receipt of the certified copy of the priority document Japan Hei 7-102625 filed in the parent application Serial No.

08/765,337, as originally-indicated on page 1 of the Office Action dated June 21, 2002 (copy attached). Also attached is a copy of the Notification of Acceptance dated March 3, 1997 issued in the parent application Serial No. 08/765,337 which confirms the Patent Office receipt of the priority document.

Also attached separately is a Request for a Corrected Filing Receipt to include the claim to the applicants parent application Serial No. 08/765,337, filed December 23, 1996.

The specification was amended October 6, 2000 and again on December 23, 2002, to include a cross-reference to the parent application. A separate Amendment is

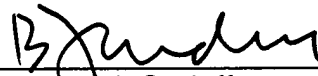
attached separately herewith to include an additional reference to PCT/JP96/01157,  
filed April 26, 1996, as the parent application Serial No. 08/765,337, is a U.S. national  
phase of PCT/JP96/01157. See, attached copy of the Notice of Acceptance dated  
March 3, 1997.

A Corrected Filing Receipt is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



B.J. Sadoff  
Reg. No. 36,663

BJS:pp  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

BJS  
249-118



UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,514	10/06/2000	Haruhiko Yokoi	249-118	9035

7590 06/21/2002

Nixon & Vanderhye PC  
1100 North Glebe Road 8th Floor  
Arlington, VA 22201-4714

EXAMINER

SPECTOR, LORRAINE

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 06/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

CLT/MATTER # 249-118  
MAIL DATE 6-21-02  
DUE DATE Sept 21, 2002  
FINAL DEADLINE Oct 21, 2002  
DOCKETED BY pat YKS



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EXAMINER

ART UNIT PAPER NUMBER

6

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

## OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

- ☒ Claim(s) 10-18 is/are pending in the application.  
Of the above, claim(s) 16-18 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 10-15 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 10-18 are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☒ received in Application No. (Series Code/Serial Number) 08/765337
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 13
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

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ARC

08/765337



UNITED STATES DEPARTMENT OF COMMERCE #2  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO. 08/765,337 YOKOI FIRST NAMED APPLICANT H 249-882  
249-882

5611

NIXON & VANDERHYE PC  
1100 NORTH GLEBE ROAD  
8TH FLOOR  
ARLINGTON VA 22201

INTERNATIONAL APPLICATION NO.  
PCT/JP96/01137

I.A. FILING DATE 04/25/96 PRIORITY DATE 04/26/95

03/03/97

DATE MAILED.

## NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

**DEC 23 1996**

35 U.S.C. 102(e) DATE

**DEC 23 1996**

DATE OF RECEIPT OF  
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☒ A request for immediate examination under 35 U.S.C. 371(f) was received on **DEC 23 1996** and the application will be examined in turn.

4. The following items have been received:

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☒ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.

The Article 19 amendments ☐ have ☐ have not been entered.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

The Annexes ☐ have ☐ have not been entered.

☒ Preliminary amendment(s) filed **23 DEC 1996** and

☒ Information Disclosure Statement(s) filed **23 DEC 1996** and

☒ Assignment document.

☒ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Charita A. Burt  
Patent Specialist